

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA

Plaintiff,

v.

No. CR 12-695 JCH

ROD HARING,

Defendant.

ORDER FOR SUPPLEMENTAL BRIEFING

The Court has reviewed *Government's Notice of Supreme Court's Ruling in Bailey v. United States*. (Doc. 42). In the opinion issued on February 19, 2013, in *Bailey v. United States*, No. 11-770, the Supreme Court held that the rule of *Michigan v. Summers*, 452 U.S. 692 (1981) that officers executing a search warrant are permitted to detain the occupants of the premises while a proper search is conducted is limited to the immediate vicinity of the premises to be searched and does not extend to a recent occupant of the premises who was detained at a point beyond any reasonable understanding of the immediate vicinity of the premises being searched.

The Court hereby orders both parties to submit supplemental briefing regarding the impact of the decision in *Bailey v. United States* on *Defendant's Motion to Suppress Evidence*, (Doc. 18), *Government's Proposed Findings of Fact and Conclusions of Law*, (Doc. 40), and *Defendant's Proposed Findings of Fact and Conclusions of Law*, (Doc. 41). The parties shall submit their briefs by Monday, March 4, 2013.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE